

Ashuelot River Corridor Management Plan
**Appendix 4. Regulations Affecting the
 Ashuelot River as a Designated River**

**EXISTING FEDERAL AND STATE LAWS AND REGULATIONS
 AFFECTING DESIGNATED RIVERS
 January 1998**

TOPIC	FEDERAL	STATE
I. Water quality		
I A. Protection of water Quality	<p>Clean Water Act: 1972 (3 USC 1251-1376) Restore and maintain the chemical, biological and physical integrity of U.S. waters.</p> <p>Wild and Scenic Rivers Act (16 USC Chapter 28) By executive order, all federal agencies must make all reasonable efforts to avoid negative impacts to all rivers designated as Wild and Scenic and those listed in the Nationwide Rivers Inventory as potential Wild and Scenic Rivers.</p>	<p>RSA 484-A Water quality shall be maintained at class A or B standards.</p> <p>RSA 483 Water quality shall be maintained at Class A or B for rivers designated as "natural" and Class B for rivers designated as "rural", "rural -community" or "community".</p> <p>RSA 482-A Permit from DES Wetlands Bureau required for excavation, dredge, fill or construction in or on any banks, flat, marsh or swamp in and adjacent to any waters of the state.</p> <p>Env-Wt 100-800 NHDES Wetlands rules</p> <p>Env-Ws 410: Ground water protection rules</p> <p>Env-Ws 430: Surface water quality standards</p> <p>Env-Ws437: Protection of surface waters from degradation by pollutant discharge.</p>
I B. Sources of erosion and sedimentation	<p>Soil Conservation Act (16 USC 590a) Directs Natural Resource Conservation Service to prevent soil erosion through local regulations and watershed improvement projects.</p> <p>Clean Water Act (33 USC 1239) relates to regulation of nonpoint source pollution.</p>	<p>RSA 485-A:17 Alteration of terrain permit, required for major earth disturbance.</p> <p>Env-Ws 415: Rules governing alteration of terrain (site specific) permits.</p>
I B 1. Lumber harvesting practices		<p>RSA 227-J:9 No more than 50% of the basal area of trees shall be cut; leaving a well distributed stand of healthy growing trees within 150 feet of any fourth order or higher stream, or within 50 feet of any other stream which normally flows throughout the year, unless prior written consent of the director of the Division of Forest Lands or the director's agent is obtained and all other state and local permits have been secured.</p> <p>RSA 485-A:17 Best Management Practices required in timber harvesting.</p> <p>RSA 482-A:3V Forest Management limited to minimum impact activities.</p> <p>Res 5401.02(a) A permit is required to float timber on surface waters of the state.</p>
I B 2. Road, bridge and building construction	<p>Rivers & Harbors Act of 1899: (33 USC 401)</p> <p>Clean Water Act (33 USC 1344) Need federal permit to construct dams, bridges, piers, etc., in any navigable water.</p> <p>Wild and Scenic Rivers Act (16USC Chapter 28) By executive order, all federal agencies must make all reasonable efforts to avoid negative impacts to all rivers designated as Wild and Scenic and those listed in the Nationwide Rivers Inventory as potential Wild and Scenic Rivers.</p>	<p>RSA 482-A:3 Construction of structures in or adjacent to wetlands or surface water require permit from DES Wetlands Bureau.</p> <p>Env-Wt 100-800 DES Wetlands rules.</p>
I B 3. Land tilling near the river		

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IB 4. Dredge and fill activities	Clean Water Act (33 USC 1344) Establishes permit system for dredge and fill activities in navigable waterways. Wild and Scenic Rivers Act (16 USC Chapter 28) By executive order, all federal agencies must make all reasonable efforts to avoid negative impacts to all rivers designated as Wild and Scenic and those listed in the Nationwide Rivers Inventory as potential Wild and Scenic Rivers.	RSA 485-A:17 A permit is required for any terrain alteration in or on border of surface waters or which will alter natural runoff. RSA 482-A Permit from DES Wetlands Bureau required for excavation, dredge, fill or construction in or on any banks, flat, marsh or swamp in and adjacent to any waters of the state. RSA 483:9 No channel alteration activities shall be allowed in rivers designated as "natural". DES shall encourage the use of native vegetation to stabilize stream banks of designated "rural", "rural community" and "community" rivers. Env-Wt-100-800 DES Wetlands rules.
I B 5. Borrow pits, sand and gravel operations, removal of material from the corridor		RSA 155-E A permit from the local Zoning Board of Adjustment is required. No excavations within 75 feet of any navigable river or within 25 feet of any other stream which normally flows throughout the year. RSA 485-A:17 Alteration of terrain permit required for major earth disturbance. Env-Ws 415 Rules governing alteration of terrain (site specific) permits.
I C 1. Septic systems		RSA 485 A:29 Permit is required prior to system construction. Inspection required before system covered or used. Env-Ws 1000 Individual sewage disposal system design rules. Env-Ws 700 Sewerage and waste system treatment system design standards.
I C 2. Setbacks for septic systems		RSA 485-A Submission and approval of plans and specifications for septic systems. Env-Ws1008.03 Sewage disposal systems shall be at least 75 feet from surface water. Locate septic system no closer than 125 feet from wetlands or water course.
I C 3. Septage and sludge disposal	Clean Water Act (33 USC 1345) Relates to disposal or use of sewage sludge	Env-Ws 800 Regulations for removal, transportation, and disposal of septage and sludge.
I D. Pollution from agricultural, residential, municipal and industrial sources	Soil conservation Act (16 USC 590a) Directs Natural Resource Conservation Service to prevent soil erosion through local regulations and watershed improvement projects. Clean Water Act (33 USC 1342) Requires NPDES permit for point discharge Clean Water Act (33 USC 1329) Relates to regulation of nonpoint source pollution.	RSA 485-A Water pollution and waste disposal regulations. RSA 483-B Comprehensive Shoreland Protection Act: Minimum setbacks for certain rivers
I D 1. Pesticides		RSA 430 All pesticide applications must comply with rules adopted by Pesticides Control Board, NH Dept. of Agriculture. RSA 483 Setback requirements for certain fertilizers. RSA 483-B Comprehensive Shoreland Protection Act: Minimum setbacks for certain rivers. (Agricultural use is exempt). Pes-1001 Restrictions on the use of pesticides to protect ground and surface waters.

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I D 2. Manure spreading and fertilizers		RSA 431:33-35 Manure and chemical fertilizer handling must be done in accordance with NH Dept. of Agriculture Best Management Practices. RSA 483-B Comprehensive Shoreland Protection Act: Minimum setbacks for certain rivers. (Agricultural use is exempt).
ID 3. Storage facilities for petroleum and/or hazardous materials (under and above ground)		Env-Ws 411 Rules for underground storage and handling of oil and petroleum liquids. Env-Wm-1401 Control of underground storage facilities to prevent and minimize contamination of water. Env-Wm-1402 Control of aboveground petroleum storage facilities to minimize contamination of water.
I D 4. Road Salt		RSA 485-C:11 Outdoor storage of road deicing chemicals is prohibited in designated wellhead protection areas. RSA 485-C:12 Prohibits certain uses within any wellhead protection area classified as GAA, including siting or operating a hazardous waste disposal facility or landfill, snow dump, junk or salvage yard or wastewater or septage lagoon, outdoor storage of road salt or other deicing chemicals in bulk.
I D 5. Disposal of plowed snow		RSA 485-A:13, I(a) Prohibits discharging of wastes into surface waters without a permit RSA 485-C:12 Snow dumps are prohibited in designated wellhead protection areas. RSA 485-C:12 Prohibits certain uses within any wellhead protection area classified as GAA, including siting or operating a snow dump.
I D 6. Runoff from roads and parking lots	Clean Water Act (33 USC 1342) Establishes regulation of Municipal and industrial storm water discharges.	RSA 485-A:17 Alteration of terrain permit requirements include practices to mitigate the effects of urban runoff.
I D 7. Landfills; solid waste disposal, recycling depots; oil-collecting tanks		RSA 483 No new solid waste landfills within 1/4 of mile designated "natural" rivers or within 500 year floodplain of "rural". "rural-community" or "community" rivers. No expansion of existing landfills within 500 year floodplain of designated "natural" rivers. Env-Wm 1901 Solid Waste Management Rules.
I D 8. Timber operations - slash and mill waste		RSA 485-A:151 Litter (garbage, crap metal, old cars, trees, etc.) shall not be disposed of in, on the ice over, or on the banks of surface waters. RSA 227-J:10 No disposal of slash & mill waste within 50 feet of any navigable river, within 25 feet of any stream which will float a canoe at normal water level or in any stream which normally flows throughout the year. RSA 483-B Comprehensive Shoreland Protection Act: Minimum setbacks for certain rivers.

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I D E. Water quantity, including water withdrawals	Federal Power Act (16 USC 791) Every hydroelectric project on a navigable stream requires a Federal Energy Regulatory Commission permit. Clean Water Act (33 USC 404) Permits for dams may be conditioned to assure sufficient flows and restrict withdrawals for the protection of fish and wildlife. Wild and Scenic Rivers Act (16 USC Chapter 28) By executive order, all federal agencies must make all reasonable efforts to avoid negative impacts to all rivers designated as Wild and Scenic and those listed in the Nationwide Rivers inventory as potential Wild and Scenic Rivers.	RSA 483 No interbasin transfers area allowed. A protected instream flow level shall be established for each designated river. No new dams are allowed on rivers designated as "natural", "rural" or "rural-community" rivers. Env-Wr 700 Water uses over 20,000 gpd must be registered and report usage.
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II. Scenic Appearance		
II A. Open space management		RSA 483-B Comprehensive Shoreland Protection Act: Minimum setbacks for certain rivers.
II B. Riparian buffer zones		RSA 483-B Comprehensive Shoreland Protection Act: Minimum setbacks for certain rivers.
II B 1. Setbacks for buildings and roads		RSA 482-A:26 No structure extending beyond the shoreline of public water may be used as a dwelling. RSA 483-B Comprehensive Shoreland Protection Act: Minimum setbacks for certain rivers.
II B 2. Permitted uses		RSA 483-B Comprehensive Shoreland Protection Act: Minimum setbacks for certain rivers.
II B 3. Lot sizes and river frontage		RSA 485-A:39 Waterfront property sale and site assessment study.
II B 4. Building heights		
II B 5. Mobile home regulations		RSA 674:32 Manufactured housing can be regulated but not excluded from a municipality.
II B 6. Junk yard restrictions		RSA 236:111-129 Junk-yard regulations. RSA 236:90-110 Requirements for control of junkyards and automotive recycling yards.
II C. Location of roads and parking lots		RSA 230; RSA 231 Layout, construction and maintenance of state highways and city, town and village and district highways. RSA 47:17; RSA 48-B Sidewalks, parking and use of public ways.

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II D. Building material choices		
II E. Timber operations-cutting for views		RSA 483-B Comprehensive Shoreland Protection Act: Minimum setbacks for certain rivers
II F. Signs		RSA 236: 69-89 Regulation of outdoor advertising and signs.
III. Recreation		
III. A Water Sports		RSA 233-A Statewide Public Access Program. RSA 270:29 Prohibits motorized watercraft on streams in the White Mountain National Forest. RSA 270:115 and 120 Specific restriction on the Connecticut River RSA 270:73-74 Restricts the operation of skicraft. RSA 270-D:2 General rules for vessels operating on water. RSA 270:121 Specific restriction on the Piscataquog River RSA 482-A Wetlands permit required for dock construction. RSA 483:9 No motorized watercraft on designated" natural" rivers. On other designated river, headway speed only within 150 feet of shore. Env-Wt 100-800: DES Wetlands rules. Saf-C-402 restrictions on specific water bodies. Saf-C-404 Boating rules. Saf-C-407 Rafting rules. Saf-C-413 Water event and slalom course permits.
III B. Camping		
III C. Trail networking		RSA 215-A Off Highway Recreation Vehicle regulations.
III D. Barrier-free access	American with Disabilities Act (42 USC Chapter 126)	RSA 275-C Governor's Commission on Disabilities.
IV. Wildlife and Fisheries		
IV A. Protection of Wildlife and Fisheries	Dept. of Transportation Act of 1966: (49 USC 1651-59, Section 4 (f)) No US Dept Transportation projects are allowed on public land important for wildlife, recreation area or wildlife and waterfowl refuge of national, state or local significance or historic properties unless there is no prudent and feasible alternative and there has been all possible planning to minimize harm. Fish and Wildlife Coordination Act: (16 USC 661-661c) Whenever a river is altered by a water resource development project, steps should be taken to conserve wildlife resources.	RSA 207:19-21 Angling and restrictions of fishing.
IV B. Wildlife		RSA 208 Game animals. RSA 209 Game birds and pigeons. RSA 210 Fur-bearing animals. RSA 212-B Nongame Species Management Act

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IV C. Fisheries		RSA 211 Fish, shellfish, lobsters and crabs. RSA 212 Propagation of fish and game. RSA 213 Atlantic marine fisheries including salmon.
V. Rare communities and species		
V A. Unique natural communities; threatened and endangered species	Endangered Species Act (16 USC 1531-43)	RSA 227-C Governs identification and protection of state historic resources and properties.
VI. Historical and archaeological features		
VI A. Historical Sites	National Register of Historic Places (16 USC 470a) Dept. of Transportation Act of 1966: (49 USC 1651-59, Section 4 (f)) No US Dept Transportation projects are allowed on public land important for wildlife, recreation area or wildlife and waterfowl refuge of national, state or local significance or historic properties unless there is no prudent and feasible alternative and there has been all possible planning to minimize harm. National Natural Landmarks (16 USC section 463) In some instances, there may be National Natural Landmarks on some rivers listed on the Nationwide Rivers Inventory.	RSA 227-C Governs identification and protection of state historic resources and properties.